

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741
August 28, 2013— 1:00 PM

Call to Order. Lamberto “Bobby” Ballí, P.E., Committee Chair called the Licensing Committee meeting to order at 1:00 pm on May 22, 2013, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741 (NOTE: All votes are unanimous, unless otherwise noted).

1. Roll call and welcome visitors.

Lamberto “Bobby” Ballí, P.E.	Chair
Carry Ann Baker, J.D.	Member (excused absence)
Jim Greer, P.E.	Member
Sam Kannappan, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, and Ms. Helen Kelley, Assistant Attorney General, were present to provide legal counsel to the Board. Mr. Edmundo Gonzalez Jr., P.E., Emeritus Board Member, was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, M.P.A.	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dorothy Gonzales	Executive Assistant
Shannon Velazquez	Licensing Specialist

Personal Interviews. Senthil ARunachalam, Lupe Castillo, James Howard, Adrian Key, Jacob Whisenhunt, Stephen Lowe, Daniel Sharp, Gus Magill, Matt Marciniac, Igor Pintchouck, Jose Posada, Ryan Propst, Kiran Punnyamanthula, Luis Rodriguez, Mark Viator, Jason Winters.

Visitors. Kent O’Brien, P.E., Texas Department of Transportation (TxDOT,) and Kyle Womack, P.E., Board Member.

2. Public comment. None.

3. Discuss and possibly approve the May 23, 2013, Licensing Committee Minutes.

It was MOVED/SECONDED (Kannappan/Greer) to approve the May 23, 2013, Licensing Committee minutes as submitted. A vote was taken, and the MOTION PASSED.

4. Discuss and possibly accept the January 25, 2013, Education Advisory Committee Minutes.

It was MOVED/SECONDED (Greer/Kannappan) to accept the January 25, 2013, Education Advisory Committee minutes as submitted. A vote was taken, and the MOTION PASSED.

5. Discuss and possibly act on applications for licensure: Personal Interviews.

Senthil Arunachalam. This applicant applied to take the PE exam. He came before the Committee to appeal the denial of his application after it was circulated to Board members for review. Committee members and the applicant discussed his engineering experience and application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Board meeting on August 29, 2013, to uphold the previous decision to deny the application. The applicant should gain at least two additional years of acceptable engineering experience before re-applying. A vote was taken and the MOTION PASSED.

Lucas Castillo. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan/Greer) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

James Howard. The applicant applied to take the PE exam with a request to waive the FE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to place the application on hold pending completion of the Level II ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon completion and providing documentation to staff, the applicant will be required to come back to see the Licensing Committee prior to approval. A vote was taken and the MOTION PASSED.

Adrian Key. The applicant applied for Licensure in Texas. He has previously passed the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

Jacob Whisenhunt. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan/Greer) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Stephen Lowe. The applicant applied for Licensure in Texas. He has previously passed the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

Daniel Sharp. The applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam pending completion of the Level I ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon completion and providing documentation to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

Gus Magill. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to deny the application to take the PE exam. The applicant is required to gain at least three years of additional professional experience while maintaining a clean criminal record before re-applying. When re-applying, he will be required to obtain three additional professional reference statements. A vote was taken and the MOTION PASSED.

The Chair called for a break at 3:19 p.m.
The Chair reconvened the meeting at 3:28 p.m.

Matt Marciniac. The applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to place the application on hold pending completion of the Level II ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon completion and providing documentation to staff, the applicant will be required to come back to see the Licensing Committee prior to approval. He is also required to obtain at least three additional long-term professional reference statements before he returns. A vote was taken and the MOTION PASSED.

Igor Pintchouk. The applicant applied to take the PE exam with a request to waive the FE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Ballí/Greer) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to place the application on hold pending completion of the Level II ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon completion and providing documentation to staff, the applicant will be required to come back to see the Licensing Committee prior to approval. He is also required to obtain at least two additional professional reference statements, including one from his current employer. A vote was taken and the MOTION PASSED.

Jose Posada. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Ryan Propst. The applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam pending completion of the Level I ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon successful completion of the course, and providing documentation to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

Kiran Punyamanthula. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Luis Rodriguez. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Mark Viator. The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2103, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Jason Winters. The applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on August 29, 2013, to approve the applicant to take the PE exam pending completion of the Level I ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon completion and providing documentation to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

6. Discuss and possibly approve the following rule proposals:

- **Application/Professional Fee Split**

- §133.81-Receipt and Processing of Applications by the Board
- §133.87-Final Action on Applications
- §133.97-Issuance of License

The proposed rule changes are required to implement changes to the Texas Engineering Practice Act made by SB 204 in the 83rd Texas Legislative session related to the application fee. The change requires that the \$200 Professional Fee be collected at the time of issuance of a license instead of at the time of application as it is currently done.

- **Computer Based Testing (CBT) Implementation**

- §133.21-Application for Standard License
- §133.25-Applications from Engineering Educators
- §133.61-Engineering Examinations Required for a License to Practice as a Professional Engineer
- §133.65-Examination on the Fundamentals of Engineering
- §133.69-Waiver of Examinations
- §133.71-Examination for Record Purposes
- §133.73-Examination Results and Analysis
- §133.75-Examination Irregularities

The proposed rule changes are required to implement the format change of the Fundamentals of Engineering Exam to Computer Based Testing, which starts in 2014. There are changes to the registration process, reporting of results, and the verification procedures which will be clarified in the revised rules.

- **Fingerprinting Implementation**

- §133.21-Application for Standard License
- §133.23-Applications from Former Standard License Holders
- §133.25-Applications from Engineering Educators
- §133.27-Application for Temporary License for Engineers Currently Licensed Outside the United States
- §133.89-Processing of Administratively Withdrawn Applications
- §137.7-License Expiration and Renewal
- §137.13-Inactive Status

The proposed rule changes are required to implement changes to the Texas Engineering Practice Act made by SB 204 in the 83rd Texas Legislative session related to requiring fingerprint-based criminal history record checks for all new applicants and renewals starting January 1, 2014. The change requires the Board to not issue or renew a license unless the individual has submitted fingerprints for the background check.

The Chair called for a break at 5:28 pm.

The Chair reconvened the meeting at 5:31 pm.

- **Military Spouse Application**

- §133.81-Receipt and Processing of Applications by the Board

The proposed rule change is required to implement changes to the Occupations Code, Section 55 made by SB 162 in the 83rd Texas Legislative session related to applications for military spouses. The change requires that the Board expedite the processing of applications received from spouses of active duty military service members. It does not change or lessen the licensing requirements.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Board meeting on August 29, 2013, to approve §§133.81 133.87, 133.97, 133.21,133.25, 133.61, 133.65, 133.69, 133.71, 133.73, 133.75, 133.23, 133.27, 133.89, 137.7, 137.13 as submitted to be posted in the Texas Register for comment. A vote was taken and the MOTION PASSED.

7. Discuss the Licensing Late Fee.

Mr. Kinney commented to Committee members that the Board has received a request for the Board to reconsider the late fee (email included as exhibit). A constituent believed that the late fee penalty being imposed was unreasonable. Mr. Kinney added that renewal reminders are sent six weeks in advance. Committee members discussed, and will discuss further at the Regular Quarterly Board meeting on August 29, 2013. Committee members will propose that the Board keep the late fee as is.

8. Report on May 31, 2013, Education Advisory Committee Meeting.

Mr. Kinney reported that Deans from Texas engineering programs met in May and discussed legislative changes that were being proposed regarding the profession, Computer Based Testing coming up January 2014 and how this will affect students, and the upcoming rules changes that will be affected with any Legislative change.

9. Report on Computer Based Testing.

Mr. Kinney reported that the FE exam will be available via computer based testing beginning January 2014. Registration for the January FE exam begins November 2013.

10. Licensing Director's Report.

- Reports

- Results and statistics: Application and Examination Report
Mr. Howell reviewed the application and examination report included as an exhibit.

- Licensing report

- Exam Irregularity

Mr. Howell reported that there are two people being reviewed regarding collusion.

- Fingerprinting

- Policies

- FAQ

Mr. Howell reported that the background check policy is included as an exhibit, and was previously published in the Texas Register. The Licensee policy will be modified to include the new process regarding the criminal history record check, and will be presented to the Board for review.

Mr. Howell shared with the Committee members that staff has initiated the development of an FAQ regarding the criminal history record check and it will be posted on our web page.

11. Issues for consideration and schedule next meeting.

Staff was directed to review question #13 on the PE application, and clarify what it is the Board is requesting. Committee members asked staff to expedite the process, and share proposed changes with them. Staff is to report results at the next scheduled Licensing Committee meeting.

Adjourn.

It was MOVED/SECONDED (Greer/Kannappan) to the meeting at 5:59 pm. A vote was taken and the MOTION PASSED.

Date Committee approved minutes at submitted:

November 20, 2013

Date Board accepted minutes:

November 21, 2013